

# Notice of Allowability

Application No.

10/635,995

Examiner

Jianchun Qin

Applicant(s)

TAMURA ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 07 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/7/03&2/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

DAVID MARTIN  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-31 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1-9, 12 and 13 is the inclusion of: a setting step or section of, each time the predetermined type of note controlling performance data is detected, setting deviation values for a plurality of channels presenting mutually different deviation states, in order to cause the control value of the predetermined tone characteristic of the note to vary each time the predetermined type of note controlling performance data is detected; and a generation step or section of, each time the predetermined type of note controlling performance data is detected, causing the control value of the predetermined tone characteristic of the note, included in the detected predetermined type of note controlling performance data, to vary among the plurality of channels in accordance with respective ones of the deviation values of the channels, set by said setting step or section, so as to obtain channel-specific control values, and generating, for individual ones of the channels, the channel-specific control values as new control values of the predetermined tone characteristic of the note, wherein note controlling performance data of the predetermined type having the new control values of the predetermined tone characteristic of the note, generated by said

Art Unit: 2837

generation step or section, are created for the plurality of channels. It is these limitations found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claims 10 and 11 is the inclusion of: a setting step of, each time the predetermined type of tone generator setting performance data is detected, setting deviation values for a plurality of channels presenting mutually different deviation states; and a generation step of, each time the predetermined type of tone generator setting performance data is detected, causing the original tone generator setting value, included in the detected predetermined type of tone generator setting performance data, to vary among the plurality of channels in accordance with respective ones of the deviation values of the channels set by said setting step so as to obtain channel-specific tone generator setting values, and generating, for individual ones of the channels, the channel-specific tone generator setting values as new tone generator setting values, wherein tone generator setting performance data of the predetermined type having the new tone generator setting values, generated by said generation step, are created for the plurality of channels. It is these steps found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claim 14 is the inclusion of: a setting step of, each time the predetermined type of note controlling performance data is detected, setting deviation values for a plurality of channels presenting mutually

Art Unit: 2837

different deviation states, in order to cause the control value of the predetermined tone characteristic of the note to vary each time the predetermined type of note controlling performance data is detected; and a generation step of, each time the predetermined type of note controlling performance data is detected, causing the control value of the predetermined tone characteristic of the note, included in the detected predetermined type of note controlling performance data, to vary among the plurality of channels in accordance with respective ones of the deviation values of the channels set by said setting step so as to obtain channel-specific control values, and generating, for individual ones of the channels, the channel-specific control values as new control values of the predetermined tone characteristic of the note. It is these steps found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make this claim allowable over the prior art.

The primary reason for the allowance of claims 15-27, 29 and 30 is the inclusion of: a setting step or section of, each time the predetermined type of note controlling performance data is detected, setting a deviation value for at least one channel, in order to cause the control value of the predetermined tone characteristic of the note to vary each time the predetermined type of note controlling performance data is detected, said setting step or section setting the deviation value such that a deviation state of the deviation value of the at least one channel is varied each time a break in a phrase within the series of performance data is detected; and a generation step or section of, each time the predetermined type of note controlling performance data is detected, causing the control value of the predetermined tone characteristic of the note, included in the

Art Unit: 2837

detected predetermined type of note controlling performance data, to vary in accordance with the deviation value of the at least one channel set by said setting step or section so as to obtain a varied control value, and generating the varied control value as a new control value of the predetermined tone characteristic of the note, wherein note controlling performance data of the predetermined type having the new control value of the predetermined tone characteristic of the note, generated by said generation step or section, is created for at least one channel. It is these limitations found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claim 28 is the inclusion of: a setting step of setting a deviation value for at least one channel to cause the original tone generator setting value to vary each time the predetermined type of tone generator setting performance data is detected or each time a break in a phrase within the series of performance data is detected; and a generation step of, each time the predetermined type of tone generator setting performance data is detected, causing the original tone generator setting value, included in the detected predetermined type of tone generator setting performance data, to vary in accordance with the deviation value of at least one channel set by said setting step so as to obtain a varied tone generator setting value and generating the varied tone generator setting value as a new tone generator setting value, said generation step being also arranged to, each time a break in a phrase within the series of performance data is detected, cause the tone generator setting value,

Art Unit: 2837

included in the predetermined type of tone generator setting performance data last detected by said detection step, to vary in accordance with the deviation value of the at least one channel set by said setting step so as to obtain a varied tone generator setting value and then generate the varied tone generator setting value as a new tone generator setting value, wherein tone generator setting performance data of the predetermined type having the new tone generator setting value, generated by said generation step, is created for the at least one channel. It is these limitations found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make this claim allowable over the prior art.

The primary reason for the allowance of claim 31 is the inclusion of: a setting step of, each time the predetermined type of note controlling performance data is detected, setting a deviation value for at least one channel, in order to cause the control value of the predetermined tone characteristic of the note to vary each time the predetermined type of note controlling performance data is detected, said setting step setting the deviation value such that a deviation state of the deviation value of the at least one channel is varied each time a break in a detected; phrase within the series of performance data is a generation step of, each time the predetermined type of note controlling performance data is detected, causing the control value of the predetermined tone characteristic of the note, included in the detected predetermined type of note controlling performance data, to vary in accordance with the deviation value of the least one channel set by said setting step so as to obtain a varied control value, and generating the varied control value as a new control value of the predetermined tone

Art Unit: 2837

characteristic of the note. It is these steps found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which make this claim allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Prior Art Citations***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Ishibashi (U. S. Pat. No. 5922982) is entitled "Performance data generation apparatus for selectively outputting note on/off data based on performance operation mode".

2) Ohta (U. S. Pat. No. 5998725) is entitled "Musical sound synthesizer and storage medium therefor".

3) Suzuki et al. (U. S. Pat. No. 6150598) is entitled "Tone data making method and device and recording medium".

4) Kitayama (U. S. Pat. No. 5770812) is entitled "Software sound source with advance synthesis of waveform".



Art Unit: 2837

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
Art Unit 2837

JQ

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Application/Control Number: 10/635,995  
Art Unit: 2837

Page 9